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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,745	03/30/2004	George Knoll	73004-002	5501
29493	7590	09/11/2006		
HUSCH & EPPENBERGER, LLC 190 CARONDELET PLAZA SUITE 600 ST. LOUIS, MO 63105-3441			EXAMINER LITHGOW, THOMAS M	
			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/812,745	KNOLL, GEORGE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas M. Lithgow	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 18-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

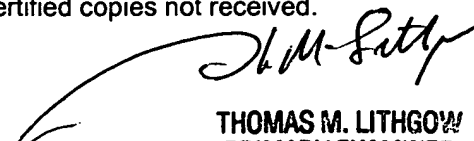
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 30 March 2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

  
**THOMAS M. LITHGOW**  
**PRIMARY EXAMINER**  
**GROUP 1700**

### **DETAILED ACTION**

1. Applicant's election with traverse of claims 1-17 in the reply filed on 20 July 2006 is acknowledged. The traversal is on the ground(s) that the method steps correspond to the structural limitations in the apparatus claims. This is not found persuasive because distinctness, as set out in the MPEP merely requires that the apparatus can be made by a different process. This is set out in the written restriction and is applicant has not separately argued this point.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt (US 4476015). Schmitt '015 discloses a mounting bracket 12 having a plurality of manifolds at recess 30(where the filters attach) within the mounting bracket- see the fig. 1-6 embodiment.

There is a fluid intake at 14 which feeds water to the first set of filters S1 with treated water being sent to the second set of filters S2 and then the water is fed to outlet 18. Each filter has a removable end cap 32 which allows the pressure containers 20 to remain attached to the bracket 12 and the filter cartridge 40 to be removed and replaced. The filter cartridge 46 attaches directly to the bracket 12 via manifold connections as shown at recess 30. The inner wall of container 20 acts as a sleeve. As the containers are part of bracket 12, the filter cartridges 40 are "fully enclosed" by the bracket as recited in claim 14.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt '015 as applied to claim 2 above, and further in view of Magnusson (US 5753107)-cited by applicant. As shown in figure 1, the filter per se is shown to taper to facilitate its introduction into housing 38. To so

modify the filters in Schmitt '015 would have been obvious to one of ordinary skill in the art.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt '015 as applied to claim 5 above, and further in view of Kuh (US 4681677). The use of special locks to prevent access to the inside of water filter housing end caps is disclosed by Kuh '667 [col. 4, lines 48-54]. To so modify the caps of Schmitt '015 would have been obvious in view of Kuh's teaching.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt '015 as applied to claim 1 above, and further in view of Magnusson '107. Magnusson '107 discloses the use of a bayonet type coupling (including the ramp) to attach his filter cartridge to his manifold. Such a coupling is well known and could replace the type coupling employed by Schmitt '015 with the bayonet coupling as taught by Magnusson '107.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt '015 as applied to claim 1 above, and further in view of either one of Jackovic (US 6270670) or Ferguson (US 5891333). Either of Jackovic (US 6270670) or Ferguson (US 5891333) discloses the use of caps to seal

their water filter units which employ twist fins. It would have been obvious to substitute the caps of either of Jackovic (US 6270670) or Ferguson (US 5891333) for the functionally equivalent caps of Schmitt '015.

9. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt '015 as applied to claim 1 above, and further in view of Yoon (US 5601710). The use of "closure members" (aka valves) that actuate upon insertion and removal of the filter cartridge to prevent the leaking of the liquid during such exchanges is well known and shown for example by Yoon (fig. 7-9) embodiment – see manifold valves 211a-211c. The inclusion of such valves for their intended function of spill reduction on the Schmitt '015 device would have been obvious to one of ordinary skill in the art.

10. Claims 1-2, 4-5 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon (US 5223132) in view of Yoon (US 5601710). Yoon '132 discloses the basic countertop water purifier having a three-stage series filtration of the water by a ceramic filter 7, RO 7A and then an AC filter 7B mounted in a bracket and supported in an upright position. Yoon '710 discloses an improved filter intended to replace the previous counter top water filter units which typically have problems

associated with changing the filter when the service life of the filter has expired [col. 2, lines 22-32]. Yoon's ('710) improved filter includes an outer housing 110 as part of a manifold structure in which a cartridge filter 120 is inserted. Yoon's ('710) filter is intended to replace an RO filter, a ceramic filter, activated carbon filter (AC) etc col. 9, lines 10-15. As such it would have been obvious to employ the improved Yoon "710 filter arrangement for 2 or all 3 of the filters disclosed in Yoon '132 to gain the benefit of an easy change and replacement of the filter.

11. Claims 1-2, 4-5 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (US 6001249) in view of Yoon (US 5601710). Bailey '249 discloses a counter top serially arranged two stage water filter system with a bracket 42,44 and manifolds 46, 48 for receiving the filter cartridge pair 38, 40. Yoon '710 discloses an improved filter intended to replace the previous counter top water filter units which typically have problems associated with changing the filter when the service life of the filter has expired [col. 2, lines 22-32]. Yoon's ('710) improved filter includes an outer housing 110 as part of a manifold structure in which a cartridge filter 120 is inserted. Yoon's ('710) filter is intended to replace an RO filter, a ceramic filter, activated carbon filter (AC) etc col. 9,

lines 10-15. As such it would have been obvious to employ the improved Yoon '710 filter arrangement for the filters disclosed in Bailey '249 to gain the benefit of an easy change and replacement of the filter.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of the Yoon '132 with Yoon '710 OR Bailey '249 with Yoon '710 as applied to claim 1 above, and further in view of Magnusson (US 5753107)-cited by applicant. As shown in figure 1, the filter per se is shown to taper to facilitate its introduction into housing 38. To so modify the filters in Yoon '710 would have been obvious to one of ordinary skill in the art.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Yoon '132 with Yoon '710 OR Bailey '249 with Yoon '710 as applied to claim 1 above, and further in view of Kuh (US 4681677). The use of special locks to prevent access to the inside of water filter housing end caps is disclosed by Kuh '667 [col. 4, lines 48-54]. To so modify the caps of Yoon '710 would have been obvious in view of Kuh's teaching.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Yoon '132 with Yoon '710 OR Bailey '249 with Yoon '710 as applied to claim 1 above, and further in view of either one of



Jackovic (US 6270670) or Ferguson (US 5891333). Either of Jackovic (US 6270670) or Ferguson (US 5891333) discloses the use of caps to seal their water filter units which employ twist fins. It would have been obvious to substitute the caps of either of Jackovic (US 6270670) or Ferguson (US 5891333) for the functionally equivalent caps of Yoon '710.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "T.M. Lithgow", with a long, sweeping horizontal stroke extending to the left.

Thomas M. Lithgow  
Primary Examiner  
Art Unit 1724

TML